Eng. Parl. [Bills-E]
BP 9(3)

A BILL *for the Encouragement and Increaſe of Seamen, and for the better and ſpeedier Manning His Majeſty's Fleet.*

WHereas the Welfare and Proſperity of his Majeſty's Dominions are greatly concerned in giving all due Encouragement to Mariners and Seamen to enter voluntarily into the Ships of the Royal Navy for the Service and Defence of their Country; **Be it therefore Enacted,**

By the King's Moſt Excellent MAJESTY,

By and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the 25th Day of March 1741 every able Seaman, who ſhall have voluntarily ſerved on board the Royal Navy for the Space of Years, and ſhall by Age, Wounds, or other Infirmities, be diſabled from any future Service at Sea, and who ſhall not receive any Penſion from the Cheſt at *Chatham*, or any Maintenance or Proviſion in *Greenwich-Hoſpital*, or out of the Revenues thereof, or otherwiſe, ſhall have paid and allowed him from his Majeſty, his Heirs and Succeſſors, the yearly Penſion of until he ſhall be provided for in the Royal Hoſpital at *Greenwich*, or otherwiſe; and the Lord High Admiral of *Great-Britain*, or the Commiſſioners for executing the Office of Lord High Admiral of *Great-Britain* for the Time being reſpectively, or any or more of the ſaid Commiſſioners, upon Application of every ſuch Seaman,

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on or before the 1st Day of May 1741 voluntarily enter himself to ſerve on board any of His Majeſty's Ships of War, ſhall receive and be intitled to a Bounty of Five pounds over and above his Wages; and every ordinary Seaman who ſhall on or before the 1st Day of May 1741 voluntarily enter himself to ſerve on board any of His Majeſty's Ships of War, ſhall receive and be intitled to a Bounty of £. 3. over and above his Wages

and due Examination and Proof made of his being qualified and intitled to receive ſuch Penſion within the Tenor and true Meaning of this Act, are hereby authorized and required to iſſue and make out a Warrant to the Commiſſioners of the Navy for the Time being for the Payment of the ſame, who are, upon Receipt of the ſaid Warrant, hereby authorized and required to order and direct the Payment thereof accordingly.

And it is hereby further Enacted, That if any Seaman, under the Degree of a Warrant or Commiſſion Officer, entering voluntarily into the Service of his Majeſty, his Heirs and Succeſſors, ſhall be killed or drowned in the ſaid Service, and ſhall leave a Widow, to whom he was lawfully married, every ſuch Widow ſending or producing to the Commiſſioners of the Navy a Certificate, under the Hands of the Miniſter, Church-wardens and Overſeers of the Poor of the Pariſh wherein ſhe reſides, that ſhe is the real Widow of the ſaid Seaman ſo killed or drowned, ſhall receive ſuch Sum of Money, by way of Bounty, as ſhall amount to and be equivalent with Years Pay or Wages of ſuch Seaman, computing the ſame according to the Rate of the monthly Wages or Pay he ſerved for, or was intitled to at the Time of his Death; and the Commiſſioners of the Navy for the Time being, are hereby authorized and required, upon producing ſuch Certificate at the Navy-Office, to order and direct the Payment of ſuch Bounty-money accordingly.

And be it further Enacted, by the Authority aforeſaid, That all and every the Juſtices of the Peace within the ~~ſeveral Counties, Ridings and Places of this Realm, and the Dominion of *Wales*, and Town of *Berwick* upon *Tweed*~~, and all the Mayors, Bailiffs, and other chief Magiſtrates of the reſpective Cities, Boroughs and Towns Corporate within the ſame, and every of them, ſhall, and they and every of them reſpectively is, and are by this Act authorized and required, from time to time, until *firſt Day of March 1741* to make, and cauſe to be made, diligent Search for all ſuch Seamen ~~and Seafaring-men~~ as lie hid, withdraw or conceal themſelves within their reſpective Juriſdictions; and ſhall cauſe all ſuch Seamen ~~and Seafaring-men~~ as aforeſaid, which ſhall be found or diſcovered, to be taken up, ſecured and delivered over for his Majeſty's Service at Sea, in ſuch manner as is herein after directed and appointed.

And, for the more effectual doing thereof, **It is hereby further Enacted,** That any *Two* or more of the Juſtices of the Peace of the ſeveral Counties and Ridings aforeſaid, within their reſpective Diviſions, and the Mayor, Bailiff, Head Officer or Officers of every City or Town Corporate having Juſtices of the Peace, together with *One or more* Juſtices of the Peace of the ſame City or Town Corporate reſpectively, or in Default of ſuch Juſtices, then with

with One at least Juſtices of the Peace of the County wherein the ſaid City or Town Corporate is ſituate, within their ſeveral Juriſdictions, at any time or times before and until the ſaid *First Day of March 1741* —— —— (upon any Application or Applications to them reſpectively to be made by ſuch Perſon or Perſons, who ſhall be authorized by his Majeſty under his Royal Sign Manual, or by the Lord High Admiral of *Great-Britain*, or by any 3. or more of the Commiſſioners for executing the Office of Lord High Admiral of *Great-Britain* for the Time being, to receive and conduct ſuch Seamen) ſhall iſſue their Warrants to all and every the High Conſtables, Petty Conſtables, Headboroughs and Tything-men, or other Officers and Inhabitants, or any of them, within their reſpective Juriſdictions, or to the High Conſtables, for iſſuing their Precepts to the Petty Conſtables, and other Officers as aforeſaid, (who have hereby Power to call to their Aſſiſtance ſuch and ſo many of the other Inhabitants, as may be needful to enable them to perform this Service) to make a general privy Search, or ſo many general privy Searches, as may moſt conduce to his Majeſty's Service, within every Hundred, Diviſion, City, Corporation, and in every Pariſh, Village, Hamlet and Place therein; every ſuch Search to be made at ſuch Times, whether by Day or Night, as ſhall be ſpecified in the ſaid Warrants reſpectively, for the finding out, taking and ſecuring all ſuch Seamen ~~and Seafaring-men~~ as aforeſaid, and for bringing them before the ſaid Juſtices of the Peace or Magiſtrates, at ſuch Time and Place as ſhall be prefixed in the ſaid Warrants, within *Five* Days at the fartheſt after the making forth of ſuch Warrants reſpectively; and the ſaid High Conſtables, Petty Conſtables, Headboroughs, Tything-men, Officers and others, who ſhall be charged with the Execution of the ſaid Warrants or Precepts, ſhall carefully and diligently perform their Duties therein according to the Tenor thereof, and of this Act, at all Times before and until the ſaid *First Day of March 1741* —— under ſuch *pains and punishments* as are herein after expreſſed.

And it is hereby Enacted, That the ſaid Juſtices of the Peace and Magiſtrates reſpectively, ſhall aſſemble and meet together at the Time or Times, and Place or Places, to be prefixed in the ſaid Warrants; and they, together with ſuch other Juſtices of the Peace of the ſame Hundred, Diviſion, City, Place or Precinct, as ſhall then be preſent, or the major Part of them then preſent, ſhall examine the Perſons which ſhall be ~~ſo~~ brought before them, *by virtue of this Act* and if they find them to be ſuch Seamen ~~or Seafaring-men~~ as aforeſaid, ſhall cauſe them forthwith to be delivered over to the Perſon or Perſons appointed to receive and conduct them as aforeſaid, to be conveyed into his Majeſty's Service at Sea.

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And it is hereby Enacted and Declared, That in the making of ſuch general Search or Searches as aforeſaid, within the Time before limited, it ſhall and may be lawful to and for the ſaid Officers appointed to make the ſame, or any of them, to enter into any Houſe, Out-houſe, or other Place, where ſuch Officer or Officers ſhall ſuſpect any ſuch Seamen ~~or Seafaring-men~~ to be concealed; and if Entrance be not readily admitted, then to force, or cauſe to be forced open, the Door or Doors of any ſuch Houſe, Out-houſe, or other Place, in order to make ſuch Search.

And be it Enacted, by the Authority aforeſaid, That on the ſaid Day or Days of Meeting of the ſaid Juſtices and Magiſtrates reſpectively, the High Conſtable of the ſaid reſpective Hundreds or Diviſions, and all and every the Petty Conſtables, Headboroughs and Tything-men of every Townſhip and Place, ſhall appear before the ſaid Juſtices and Magiſtrates reſpectively, and give Account of the Execution of the reſpective Warrants and Precepts to them directed as aforeſaid, and of their Doings in the performance of his Majeſty's Service in the Premiſes; and the ſaid Juſtices of the Peace and Magiſtrates reſpectively, or the major Part of them preſent, ſhall have hereby Power to examine them, or any of them, or any others, upon Oath, concerning the ſame, and to *impose a Fine* not exceeding £. s. — upon any of them reſpectively, for not appearing, or for any Neglect, Connivance, or other Offence in the Premiſes, and to levy ſuch *Fine* — by *Diſtreſs and Sale* — of the Offenders Goods, for the Uſe of the Poor of the Pariſh where ſuch Offence ſhall be committed.

And be it Enacted, by the Authority aforeſaid, That every Seaman or Seafaring-man, who ſhall be taken and delivered as aforeſaid, ſhall have his Pay commence from
and alſo from the ſame Time ſhall be deemed a Seaman or Mariner in his Majeſty's Service, as much as if he had received Wages, or been muſtered; and if ſuch Seaman or Seafaring-man ſhall wilfully deſert or run away from his Conductor, ſuch Deſertion or Running away ſhall be judged
and the Juſtices of every County, Riding, Diviſion, City, Town, or Place, or any of them, where any ſuch Seaman or Seafaring-man ſhall be taken, ſhall have full Power, by virtue of this Act, to

And it is hereby further Enacted, That upon the Delivery of every ſuch Seaman ~~or Seafaring-man~~ as aforeſaid, to the reſpective Perſons that ſhall be appointed to receive and conduct them as aforeſaid, ſuch Perſon ſo appointed ſhall, out of the Money given for the Service of the Navy, to be put into their Hands for this Purpoſe, pay for every ſuch Seaman ~~or Seafaring-man~~
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as aforesaid, the Sum of *Twenty Shillings* —— — as a Reward to the Constable, or other Officer, who discovered, took, and secured the said Seaman ~~or Seafaring-man~~, and for defraying his Charges in the said Service; and if more Persons than One shall be concerned in the Discovery, taking, or securing of the said Seaman ~~or Seafaring-man~~, then the said Reward shall be distributed amongst them, at the Discretion of the said Justices or chief Magistrates respectively; which said Constables, or Persons receiving the said Rewards, shall give Receipts for the same, to the said Conductors, which shall be allowed upon their Accounts; and the said Conductors shall likewise give Receipts, under their Hands, to the said Constables or other Officers respectively, for every Man so delivered.

And it is hereby Declared, That Conduct-money for conveying and subsisting the said Men, so taken and delivered, till they are on Board some of his Majesty's Ships or Vessels in Sea-pay, shall be furnished and allowed according to the present Usage of the Navy.

And be it Enacted, by the Authority aforesaid, That if any Person or Persons whatsoever ~~shall presume to harbour or conceal any Seaman or Seafaring-man, liable to be taken upon this Act,~~ or shall wilfully do any Act or Thing whereby the Execution of this Act, in the searching for, taking, securing or conducting ~~such Men as aforesaid, shall be hindered or frustrated,~~ or shall entice any Seaman ~~or Seafaring-man~~ to run away from his Conductor, such Offenders for every such Offence shall *forfeit £. 5. for the use of the Poor of the Parish where such Offence shall be committed* —— —— —— ——

and all and every the Offences last-mentioned, shall and may be inquired of, heard and finally determined by any or more of his Majesty's Justices of the Peace, dwelling in or near the Place where such Offence shall be committed, who have hereby Power to cause the said *Penalty* — — — — — — — — — to be levied by *Distress & Sale* of the Offenders Goods and Chattels, rendering the Overplus (if any be) to the Offender; and if the Offender have no such Goods or Chattels to be found, ~~and~~ —— —— —— sufficient to answer the said Penalty; then to *commit him or her to the County Gaol, there to remain for the space of Three Months, without Bail or Mainprize* — —— —— ——

And be it further Enacted, by the Authority aforeſaid, That the Juſtices of the Peace, and the Magiſtrates of every reſpective County, Riding, Diviſion, Liberty, City, or Place, before whom any Perſon ſhall be impreſſed for the Sea-ſervice, in purſuance of this Act, do and ſhall, at every General Quarter-Seſſions for ſuch County, Riding, Diviſion, Liberty, City, or Place, exhibit an Account, under their Hands and Seals, of the Names of the ſeveral Perſons by them ſo impreſſed, at any Time preceding ſuch reſpective General Quarter-Seſſions, together with the Names of the Hundred, Pariſh, or Place from whence, and the Pariſh-officers or other Officers, by whom, and Times when, ſuch Perſons were brought and impreſſed, and of the Names of the Conductors to whom ſuch Perſons were delivered; and that ſuch Accounts ſhall be kept by the Clerk of the Peace, or Town-Clerk of every ſuch County, Riding, Diviſion, Liberty, City, or Place, among the Records thereof, to which Accounts all Perſons may have Reſort, at reaſonable Times, without any Fee or Charge: And the Clerk of the Peace, or Town-Clerk for every ſuch County, Riding, Diviſion, Liberty, City, or Place, is hereby required, from time to time, within *Twenty* —Days after ſuch Quarter-Seſſions, to tranſmit true Copies thereof, atteſted by himſelf, to the Secretary of the Lord High Admiral, or the Commiſſioners for executing the Office of Lord High Admiral.

And be it further Enacted, That to prevent Frauds in the due Execution of this Act, a Regiſter ſhall be appointed to be kept in the Navy or Admiralty-Office, where the Names of every Perſon ſo impreſſed and entered into his Majeſty's Service at Sea, ſhall be entered, and the Ship they were to ſerve in, that ſo, upon the Muſters of the ſaid Ship's Company, it may appear if ſuch Perſon or Perſons were actually entered in his Majeſty Service, and continue in the ſame.

And whereas by an Act of Parliament made and paſſed in the Firſt Year of the Reign of his preſent Majeſty, intituled, *An Act for Encouraging Seamen to enter into his Majeſty's Service*, it was Enacted, That no Perſon whatſoever who ſhould liſt and enter himſelf to ſerve his Majeſty, as a Seaman, on Board any of his Majeſty's Ships or Veſſels, ſhould be liable to be taken out of his Majeſty's Service by any Proceſs or Execution whatſoever, (other than for ſome criminal Matter) unleſs for a real Debt, or other juſt Cauſe of Action, and unleſs before taking out ſuch Proceſs or Execution, not being for a criminal Matter, the Plaintiff or Plaintiffs therein, or ſome other Perſon or Perſons on his or their Behalf, ſhall make Affidavit before One or more Judge or Judges of the Court of Record, or other Court, out of which ſuch Proceſs or Execution ſhall iſſue, or before ſome Perſon authorized to take Affidavits in ſuch Courts, that to his or their

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Knowledge the Sum juſtly due and owing to the ſaid Plaintiff or Plaintiffs, from the Defendant or Defendants, in the Action, or Cauſe of Action, on which ſuch Proceſs ſhould iſſue, or the Debt or Damages, and Coſts, for which ſuch Execution ſhould be iſſued out, amounted to the Value of Twenty Pounds at the leaſt; a Memorandum of which Oath ſhould be marked on the Back of ſuch Proceſs or Writ; for which Memorandum or Oath no Fee ſhould be taken; and that if any Perſon ſhould be arreſted contrary to the Intent of the ſaid Act, it ſhould be lawful for One or more Judge or Judges of ſuch Court, upon Complaint thereof, made by the Party himſelf, or by any his ſuperior Officer or Officers, to examine into the ſame, by the Oath of the Parties or otherwiſe, and by Warrant under his or their Hands and Seals, to diſcharge ſuch Seaman, ſo arreſted contrary to the Intent of the ſaid Act, without paying any Fee or Fees, upon due Proof made before him or them, that ſuch Seaman ſo arreſted, was actually belonging to One of his Majeſty's Ships or Veſſels, and arreſted contrary to the Intent of the ſaid Act; and alſo to award to the Party ſo complaining, ſuch Coſts as ſuch Judge or Judges ſhould think reaſonable, for the Recovery whereof he ſhall have the like Remedy, that the Perſon who took out the ſaid Execution might have had for his Coſts, or the Plaintiff in the ſaid Action might have had for the Recovery of his Coſts, in caſe Judgment had been given for him with Coſts, againſt the Defendant in the ſaid Action: And it was thereby further Enacted, That it ſhould and might be lawful for any Plaintiff and Plaintiffs, upon Notice firſt given in Writing, of the Cauſe of Action to ſuch Seaman or Seamen in his Majeſty's Service, or left at his or their laſt Place of Reſidence, before his entering into his Majeſty's Service, to file a common Appearance in any Action to be brought for, or upon account of, any Debt whatſoever, ſo as to intitle ſuch Plaintiff or Plaintiffs to proceed therein to Judgment and Outlawry, and to have an Execution thereupon, other than againſt the Body or Bodies of him or them, ſo actually belonging to one of his Majeſty's Ships as aforeſaid: **Now, it is hereby further Enacted,** That ſo much of the ſaid Act of the Firſt Year of his preſent Majeſty, as relates to the preventing and prohibiting any Seaman from being taken out of the Service of his Majeſty, his Heirs or Succeſſors, or to any other of the Matters and Things herein before recited, ſhall from *the 25. Day of March 1741* be exerciſed, executed, take Effect, and be of Force, within the Kingdom of *Ireland*.

A BILL *for the Encouragement and Increaſe of Seamen, and for the better and ſpeedier Manning His Majeſty's Fleet.*